

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
Western Division

DEVIN G. NUNES)	
)	
Plaintiff,)	
)	
v.)	<u>Case 5:19-cv-4064-CJW-MAR</u>
)	
)	
RYAN LIZZA)	
<i>et al.</i>)	
)	
Defendants.)	
—————)	
NUSTAR FARMS, LLC)	
<i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	<u>Case 5:20-cv-04003-CJW-MAR</u>
)	
)	
RYAN LIZZA)	
<i>et al.</i>)	
)	
Defendants.)	
—————)	

**PLAINTIFFS' RESISTANCE AND BRIEF IN OPPOSITION
TO DEFENDANTS' MOTION TO UNSEAL**

Plaintiffs, Devin G. Nunes, NuStar Farms, LLC, Anthony Nunes, Jr. and Anthony Nunes, III (“Plaintiffs”), by counsel, pursuant to Local Civil Rule (“LR”) 7(e), respectfully submit this Resistance and Brief in Opposition to Defendants, Ryan Lizza and Hearst Magazine Media, Inc.’s (“Defendants”), motion to unseal certain documents [ECF No. 124].

The only purpose of Defendants' motion is to permit them to leak highly confidential – counsel's eyes only information and to continue litigating this action in the press. The Protective Orders in this case were entered for a reason: to protect the private business and operations of NuStar and to guard the privacy and ensure the safety of its employees. During the depositions of the NuStar Plaintiffs, Defendants' counsel introduced and questioned the witnesses almost exclusively with counsel's eyes only material – material such as I-9s and supporting documentation that the Defendants agree should remain protected. There is no practical way to separate the highly confidential material from the remainder of the deposition transcripts, nor is there any reason to do so.

1. Upon review of "Annex A" to Defendants' motion, the following materials should remain subject to the Protective Orders:

- Exhibits D, E, F, G, P, Q, X, HH, YY, ZZ, AAA, PPP, VVV, KKKK, SSSS, TTTT, UUUU, VVVV and EEEEE.
- Defendants' summary judgment materials.

Granting the motion as to these Exhibits and pleadings will effectively nullify the Protective Orders, and permit Defendants to disclose the NuStar Plaintiffs' highly confidential employment materials at their pleasure, which is clearly the Defendants' intention. It would be grossly irresponsible to give the Defendants a license to interfere with the business and lives of NuStar and its employees.

2. Defendants' use of Exhibits C, J, K, L, M, N and O should be restricted to use at the summary judgment hearing. Defendants should be enjoined from publicizing the contents of these depositions.

3. Plaintiffs have no objection to Defendants' motion to unseal Exhibits W, YY, and UUU.

CONCLUSION AND REQUEST FOR RELIEF

For the reasons stated above, Plaintiffs respectfully request the Court to deny in part Defendants' motion to unseal certain documents.

DATED: November 21, 2022

DEVIN G. NUNES
NUSTAR FARMS, LLC
ANTHONY NUNES, JR.
ANTHONY NUNES, III

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2022 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel for the Defendants and all interested parties receiving notices via CM/ECF.

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